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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

15	JOHNNY RAY GILDER, JR.,	)	CIVIL NO. 1:24-cv-01219-SKO
16	Plaintiff,	)	
17	v.	)	<b>STIPULATION AND UNOPPOSED</b>
18	CAROLYN COLVIN,	)	<b>MOTION TO VOLUNTARY REMAND</b>
19	Acting Commissioner of Social Security, <sup>1</sup>	)	<b>PURSUANT TO SENTENCE FOUR OF 42</b>
20	Defendant.	)	<b>U.S.C. § 405(g) AND TO ENTRY OF</b>
		)	<b>JUDGMENT; ORDER</b>
		)	<b>(Doc. 11)</b>

21 IT IS HEREBY STIPULATED by and between the parties, through their undersigned  
22 attorneys, and with the approval of the Court, that this action be remanded for further  
23 administrative action pursuant to the Social Security Act § 205(g), as amended, 42 U.S.C.  
24 § 405(g), sentence four. On remand, the Appeals Council will remand the case to an

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26 \_\_\_\_\_  
27 <sup>1</sup> Carolyn Colvin became the Acting Commissioner of Social Security on November 30, 2024.  
28 Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn Colvin should be substituted for Martin O'Malley as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 administrative law judge (ALJ) with instructions to reevaluate Plaintiff's subjective complaints;  
2 reevaluate Plaintiff's residual functional capacity; as needed, continue the sequential evaluation  
3 process and obtain vocational expert testimony, if warranted; take action to further develop the  
4 record, as necessary; offer Plaintiff the opportunity for a hearing; and issue a new decision.

5 The parties further request that the Court direct the Clerk of the Court to enter a final  
6 judgment in favor of Plaintiff, and against Defendant, reversing the final decision of the  
7 Commissioner.  
8

9 Respectfully submitted,

10 DATE: December 17, 2024

11 /s/ Melissa Newel\*

12 MELISSA NEWEL

13 Attorney for Plaintiff

\*Authorized via e-mail on December 17, 2024

14 PHILLIP A. TALBERT

15 United States Attorney

16 MATHEW W. PILE

17 Associate General Counsel

Office of Program Litigation, Office 7

18 DATE: December 17, 2024

19 By: /s/ Justin L. Martin

20 JUSTIN L. MARTIN

21 Special Assistant United States Attorney

Office of Program Litigation, Office 7

22 Attorneys for Defendant  
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**ORDER**

Based upon the parties' stipulation and unopposed motion to Voluntary Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g) and to Entry of Judgment (Doc. 11), and for cause shown, IT IS ORDERED that the above-captioned action is remanded to the Commissioner of Social Security for further proceedings pursuant to the Social Security Act § 205(g), as amended, 42 U.S.C. § 405(g), sentence four. On remand, the Appeals Council will remand the case to an administrative law judge for a new decision in accordance with the parties' Stipulation.

The Clerk of Court shall enter a final judgment in favor of Plaintiff, and against Defendant, vacating and reversing the final decision of the Acting Commissioner and shall thereafter close this case.

IT IS SO ORDERED.

Dated: **December 18, 2024**

**/s/ Sheila K. Oberto**  
UNITED STATES MAGISTRATE JUDGE